Mr. Ryan March 18th, 2017

The following are the most important legal principles (with Cites) that impact my case:

People V. Felix = D. speaking to psychologist makes threatening statements. Court finds that there was no evidence D. intended threats be passed on to "victims," no evidence whether anything the therapist said or did provoked the statements, was not a threat under circumstance made (i.e. during therapy), no evidence that D. was aware of relative confidentiality of conversation. This is very important because like a therapist, a person can assume confidentiality with a lawyer, like a therapist, the subjects and content of a conversation with a lawyer may be controversial and contain the subject of violence or fear of confrontations, like a therapist a person may assume that a conversation is confidential until told otherwise. Like Felix, prosecutor has failed to contextualise, relies upon D. words only, has not investigated possible provocations, no evidence that D. knew the therapist would disclose his statements or that he wanted them to be revealed, that the therapist having a duty to report does not make a criminal threat (this is important because Judge Flynn has referenced the Step Act - again, the step act mandates disclosure but does not mean D. intended to threaten the "victims"). See also U.S. v. Hayes (6th Cir 2000), Menendez V. Superior Court (Supra, 3 Cal. 4th at p. 451) Tarasoff V. Regents of Univ. of California, (Supra., 17 Cal. 3d. at p. 441) U.S. V. Alkhabaz (6th Cir. 1997 104 F. 3d 1492, 1496)." moreover, to apply the attorney generals position here would mean that those who need therapy for their Homicidal thoughts would not seek it" (Scull V. Superior Court, Supra, Cal. App 3d at p. 788) See also Estelle V. Smith, (1981, 451 U.S. 454, 461-462)

In re Ryan D.: "ordinarily, a persons wishing to threaten another would not do so by communicating with someone in a position of authority over the person making the threat" "it must be shown that at the time the (D.) acted, he had the specific intent that the (threats) be conveyed to the "victims" " "the mere possibility that the (D.) had a dual intent in (making the threat) is insufficient to sustain the finding that he committed a criminal offense" "Criminal threats statute does not punish such things as mere angry utterances or ranting soliloquies, however violent" (In his statement, Feser characterises all of our conversations as being "rants" on my part) "Criminal threat statute not enacted to punish emotional outbursts" (nearly all of my 1368 p.c. evaluators characterise me as primarily "emotional, over-reactive, hyper-impulsive, anxiety-prone etc.") "absence of circumstance that would be expected to accompany threat may serve to dispel claim that communication was a threat" (at time of arrest - one hour later - was found with no weapons, did not have any idea where "victims" were or lived., could not have possibly carried out five seperate Killings, "threats" were so over the top, were ridiculous on their face, Feser himself characterised "threats" as "over the top" - says he reacted because it was 9/11 etc.)

Doctrine of clean hands: "If the plaintiff (read: Complainant Crofoot) has been guilty of improper Conduct, Connected with the Controversy at hand, that violates the basic tenants of equity Jurisprudence equity must deny him or her any recognition or relief with regard to that Controversy." See Lynn V. Duckel - 46 Cal. 2d 845, 299 P. 2d 236 (1956), Powell V. Bank of Lemoore 125 Cal. 468, 58 P. 83 (1899) DeGarmo V. Goldman, 19 Cal 2d 755, 123 P. 2d 1 (1942), General Electric, Co. V. Superior Court in and for Alameda County 45 CAL. 2d 897, 291 P. 2d 945 (1955)" is available to protect the court from

having its powers used to bring about an inequitable result in the litigation before it" See: Mendoza V. Ruesgo 169 Cal. App. 4th 270, 86 Cal. Rptr. 3d. 610 (4th Dist. 2008) "In Sum, the clean hands doctrine demands that a plaintiff act fairly in the matter for which he seeks remedy" See: Yu V. Signet Bank/Virginia 103 Cal. App. 4th 298, 126 Cal. Rptr. 2d. 516 (1st Dist. 2002) "the plaintiff must come into court with clean hands and keep them clean, or the plaintiff will be denied relief, regardless of the merits of his or her claim." See: Brown V. Grimes 192 Cal. App. 4th 265, 120 Cal. Rptr. 3d. 893 (2nd Dist. 2011) "the clean hands doctrine is not confined to equitable actions, but is also available in Legal actions" See: Camp V. Jeffer, Mangels, Butler and Marmaro, 35 Cal. App. 4th 620, 41 Cal. Rptr. 2d 329 (2nd Dist. 1995) "the clean hands doctrine is an affirmative defense invoked by defendants to prevent a plaintiff from obtaining relief" see: Giraldo V. Calif. Dept of Corrections and Rehabilitation, 168 Cal. App. 4th 231, 85 Cal. Rptr. 3d. 371 (1st Dist. 2008) "the Court must consider the material facts affecting the equities between the parties" See: Farhani V. San Diego Cmmnty College Dist. 175 Cal. App. 4th 1486, 96 Cal. Rptr. 3d. 900, 246 Ed. Law Rep. 917 (4th Dist. 2009) "the failure to do so is an abuse of Discretion. If requested, Factual findings Concerning the nature of the misconduct and the extent of prejudice or damage to the defendant relative to the plaintiffs Damages or other requested relief may be necessary to support the Courts exercise of discretion and facilitate effective review. A decision based on bare equity, unsupported by established precedent and lacking evidentiary support does not disclose the proper exercise of Discretion." See: Dickson, Carlson and Campillo V. Pole 83 Cal. App. 4th 436, 99 Cal. Rptr. 2d. 678 (2nd Dist. 2000) "this Doctrine is ordinarily invoked by a defendant who was actually not a free moral agent or where his own wrongful conduct was the result of undue influence or duress by the plaintiff" - See: Belling V. Croter

57 Cal. App. 2d. 296, 134 P.2d 532 (1st Dist. 1943) "the clean hands doctrine closes the doors of a court of equity to one tainted with inequitableness or bad faith relative to the matter in which he or she seeks relief" See Quick V. Pearson. 186 Cal. App. 4th 371, 112 Cal. Rptr. 3d. 62 (2nd Dist. 2010) " However improper may have been the behavior of the defendant" see: Farahani V. San Diego Community College Dist. 175 Cal. App. 4th 1486, 96 Cal. Rptr. 3d 900, 246 Ed. Law Rep. 917 (4th Dist. 2009) " under this Doctrine, plaintiffs seeking equitable relief must have acted fairly and without fraud or Deceit as to the Controversy in issue." See: Adler V. Federal Republic of Nigeria. 219 F. 3d 869 (9th Cir. 2000) " this doctrine is not restricted to cases of intent to defraud, actionable fraud or commission of an illegal act" See: Degarmo V. Goldman 19 Cal. 2d 755, 123 P. 2d 1 (1942). " A plaintiffs improper conduct need not be of a criminal nature, or even of a nature sufficient to constitute the ~~cause~~ basis of a cause of action against him. The plaintiffs' hands are rendered unclean within the purview of the maxim by any form of conduct that, in the eyes of honest and fair-minded persons, may properly be condemned and pronounced wrongful" See: Bennett V. Lew 151 Cal. App. 3d. 1177, 199 Cal. Rptr. 241 (2nd Dist. 1984)

Defense to events of 9/11/2015: "Under the theory of Diminished Capacity a defendant may be legally Sane, but nevetheless lack the Capacity to form the necessary intent for the Crime Charged; the defendant must either be found guilty of a lesser included offense or be acquitted." See: People V. Wells (1949) 33 C 2d. 330, 346, 202 P. 2d. 53, People V. Gorshen. (1959) 51, C. 2d. 716, 726, 336 P. 2d. 492 (the "Wells-Gorshen rule") "Diminished Capacity is a defense to all specific intent Crimes" See: People V. Hood. (1969) 1 C. 3d. 444, 458, 82 C.R. 618, 462 P. 2d 370; People V. Cruz, Supra, 26 C. 3d 242 "While Penal Code 28(a) abolished the defense of Diminished Capacity... the statute draws a distinction between the Capacity of a defendant to form intent and the defendant actually

having a specific mental state; this is commonly referred to as diminished actuality evidence." See People V. McCowan, 182 Cal. App. 3d 1, 227 Cal. Rptr. 23 (3rd Dist. 1986)." Due to numerous and intense pressures the defendant was under, he suffered a major Depressive episode which had a significant impact on his mental process... Causing the defendant to be unable to think clearly or make judgements without great difficulty" it is permissable for an expert to testify that a defendant, because of his history and psychological trauma, tended to over-react to stress and apprehension" (see Gibbs 1368 evaluations - specifically Carlson) See: People V. Nunn, 50 Cal. App. 4th 1357, 58 Cal. Rptr. 2d 294 (4th Dist. 1996) "a defense psychiatrist may offer an opinion that the defendants character is such that he was not disposed to commit the charged offenses" See Evidence Code § 1102 (a), People V. Stoll, 49 Cal. 3d. 1136, 265 Cal. Rptr. 111, 783 P.2d. 698 (1989)." Defendants who act under a mistake of fact (like the police cannot be held accountable) based upon a mistaken perception of reality are entitled to imperfect self-defense" See People V. mejia-Lenares, 135 Cal. App. 4th 1437, 1454-1461, 38 Cal. Rptr. 3d. 404 (5th Dist. 2006) "Defense retains the right to have an expert testify to the Defendants psychological Diagnosis or mental Condition and how it affected him at the time of the Crime; the emotional and conduct problems this may cause the defendant; defendants upbringing and traumatic experiences... and the connections between defendants diagnoses, his mental state and his behavior." See People V. Cortes, 192 Cal. App. 4th 873, 910, 121 Cal. Rptr. 3d. 605 (6th Dist. 2011) "Although there was some circumstantial evidence that Defendant formed the requisite intent, defendant was able to show substantial evidence that he did not form the requisite intent". See People V. Salas (2006) Defendant "did not have the time to form the requisite intent" (because I did not know what feser was going to say, I just reacted) See People V. Heath (1989)

"A person who cannot comprehend the nature and quality of his act is not responsible" See People V. Freeman, 61 Cal. App. 2d 110 (1943)." Where the evidence shows the conscious mind of the accused ceased to operate and his actions were controlled by the Subconscious or Subjective mind, The Jury should be instructed as to the legal effect of such unconsciousness" See: People V. Samaniego 118 Cal. App. 165, 173 4 P.2d 809, 812 5 P.2d 653. "it is not necessary to plead insanity to plead unconsciousness" See: People V. Methever, 132 Cal. 326, 329, 64 P. 481 "No principle of Criminal Jurisprudence was ever more zealously guarded than that a person is guiltless of at the time of his commission of an act defined as Criminal he has no knowledge of his deed" See: Hales Pleas of the Crown Vol. 1 P. 473, Fain V. Commonwealth, 78 Ky. 183, 188, 39 Am. Rep. 213 "When not Self-induced, as by voluntary intoxication or the equivalent, unconsciousness is a complete defense to a Criminal charge" See:- People V. Baker (1954) 42 C. 2d. 550, 575, 268 P. 2 d 705, People V. Kelly (1973) 10 C. 3d 565, 573, 111 C.R. 171, 516 P. 2d. 875 "this unconsciousness need not reach the physical dimensions Commonly associated with the term (Coma, inertia, incapability of Locomotion, or manual action and so on); it can exist - and the above-stated rule can apply - where the Subject physically acts but is not, at the time, Conscious of acting." See: People V. Newton (1970) 8 C.A. 3d 359, 376, 87 C.R. 394

Illegal disclosure of Confidential Conversation: In the Context of my Civil action against fish and wildlife officers, I had every reason to expect that any conversations I had with John Feser would fall under attorney-client privelege. To have extended, on-going communications with me and not apply attorney-client privelege would amount to misconduct. As an opposing attorney, if Feser was not going to keep our Conversations priveleged, he should have warned me and he never did.

I have a reasonable expectation of privacy under federal and California Constitutions (4th Amend. U.S.C. and Cal. Const Art. I § 1 - Authorities Cited) see also: Fellows V. National enquirer Inc., 42 Cal. [redacted] 3d 234, 228 Cal. Rptr. 215, 721 P. 2d 97, 13 media L. Rep (BNA) 1305, 57 A.L.R. 4th 223 (1986) Feser's recording of conversation constituted a search without a warrant in violation of the 4th Amend. To U.S. Const." Two primary factors should be considered in determining whether a search conducted by a private person constitutes a government search triggering fourth Amend. Protections 1) Whether government knew of and acquiesced in the private search and 2) Whether the private individual intended to assist law enforcement" As Feser is a quasi-government agent and his intent was to give recording to law enforcement to use against me, both of these prongs are met. See also: People V. Wilkinson, 163 Cal. App. 4th 1554, 78 Cal. Rptr. 3d 501 (3rd Dist. 2008) "if a private person acts jointly with or as an agent of police officers, the illegally seized evidence is inadmissable" People V. Tarantino (1955) 45 C. 2d 590, 595, 290 P. 2d 505 "the recording of a confidential communication is illegal under Calif. Law" See: CA. Penal Code 637.2 "whether or not a telephone conversation is considered a confidential communication is determined by whether or not either party of that conversation believed it was confidential" See: Flanagan V. Flanagan "tapping the wires and listening in literally constitutes a search for evidence, governments wire-tapping constituted an unreasonable search and seizure, in violation of the fourth Amendment and the use of evidence of the conversations overheard compelled the defendants to be witnesses against themselves in violation of the 5th Amendment" See: 4th and 5th Amend. U.S.C., Olmstead V. U.S., 277 U.S. 438 (1928), Boyd V. U.S., 116 U.S. 616, 627-630, 6 S. Ct. 524, 29 L. ed. 746 "the founders of our U.S. Const. Sought to protect Americans in their beliefs, their thoughts, their emotions, and their sensations. They Conferred, as against the government, the right to be let-alone the most comprehensive

of rights and the right most valued by civilised men" and "the greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning but without understanding". (Olmstead V. U.S.) I would contend that while feser was well-meaning and acted in abundance of caution (and was likely justified under "Step Act" provisions to report his perceptions of my intent) he none-the-less should have allowed the police to handle the situation without manufacturing elements of a perceived crime (like 422 p.c.) by not sharing our conversation with anyone other than the police and allowing them to further investigate. I further contend that Shasta Sheriffs are woefully under-trained to identify psychiatric emergency, were over-zealous and rushed to judgement, were in a rush to make arrest, went out of their way to manufacture elements of the perceived offense etc. Deputies (and feser) presumed intent, had no idea what my true intent was and were simply alarmed by feser. Deputies don't like me and were operating on confirmation Bias, checked my criminal record and deliberately or indeliberately exaggerated both the scope of my record and any propensity for violence. it was arrest first and look for facts later - except they never even did much investigating once i was arrested. See: People V. Barazza (Barraza) 1979, People V. McIntire (1979), People V. Makovsky (1935), Bradley V. Duncan (9th Cir. 2002), Boulas V. Superior Court (1986). Feser is the one who both turned my generic comments to specific (by asking me about "his officers" Boyd and little) and then goaded me into "threatening" three other officers which is sentencing entrapment (U.S. V. Stauffer 1994) I further contend that the refusal (on the record) of Judge Flynn and attorney Shon Northam for 16 months to allow for meaningful interview of John feser is willful suppression of evidence by the government (a violation of the 14th Amend. to U.S. Const. right to due process) See: People V. Hertz, People V. Noisey, People V. Erwin. Also a violation of 6th Amend. right to see and confront witness. Shon Northam refused for ten months

to prepare for my preliminary hearing, denied crucial defense and affirmative defense at preliminary (finally ambushed me into farcical prelim. which caused emotional outburst the Judge now uses to justify denying my right to self-represent). See 6th Amend. "right to effective assistance", 14th Amend. "right to present affirmative defense/crucial defense", Polk county V. Dodson, People V. Frierson. Note: admitted later in front of investigator Donald Luster that he "did Ambush (me)" and laughed about it, but then denied it when confronted about it in Marsden hearing (Perjury). Donald Luster later admitted to me that he had told his neighbor recently that he would "rip his f-ing throat out" (a criminal threat). I further contend that aggravated bond amount was retaliatory action by sheriffs, that sheriffs deliberately misled head Judge Gregory Gaul by exaggerating both the scope of my criminal history as well as any propensity for violence to convince him I was a threat to the community. I further contend that arresting deputies further retaliated by meeting with Jail Seargeant Davis and requesting I receive "special treatment". I was immediately upon being booked deliberately provoked by deputies Stewart, Rivas and others in order to justify documenting me as a "threat to Jail deputies" and placing me on segregation and chain-all status (a federal offense - misuse of classification). Numerous Jail Deputies then used any and all minor excuses to keep me on these statuses for several months. I further contend that i suffer from severe and debilitating mental illness and that while in the Jail this condition has been completely ignored and that this denial of treatment has caused permanent and irreparable psychological damage. I will now require intensive, intermittantly in-patient and permanent mental health-care for the rest of my life.

Submitted under Penalty of Perjury
this twentieth day of March, 2017
Robert A. Gibbs